

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**PATRICIA A. FOX,**

**Plaintiff,**

**-vs-**

**NOTICE OF MOTION**

**THE COUNTY OF YATES,  
SHERIFF RONALD G. SPIKE, both individually and  
in his official capacity,  
UNDERSHERIFF JOHN C. GLEASON, both  
individually and in is his official capacity, and  
LIEUTENANT CLAY RUGAR, both individually  
and in his official capacity as Jail  
Administrator of the Yates County Jail,**

**Civil Action No.: 10-cv-6020(T)**

**Defendants.**

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**PLEASE TAKE NOTICE THAT,** defendants The County of Yates, Sheriff Ronald G. Spike, Undersheriff John C. Gleason and Lieutenant Clay Rugar ("Defendants"), by their attorneys, Jaeckle Fleischmann & Mugel, LLP, respectfully move this Court pursuant to Fed. R. Civ. P. 12(b)(6), on a date and time to be determined by the Court, for an order dismissing all claims by Plaintiff Patricia A. Fox.

In support of this motion, Defendants submit the Affidavit of Matthew C. VanVessem, Esq., with accompanying exhibits, and a Memorandum of Law.

**PLEASE TAKE FURTHER NOTICE** that the moving party intends to file and serve reply papers and, therefore, pursuant to Local Rule 7.1(c), opposing papers, if any, must be filed and served at least eight (8) business days prior to the return date.

DATED: Buffalo, New York  
March 9, 2010

**JAECKLE FLEISCHMANN & MUGEL, LLP**

By: /s/ Matthew C. VanVessem  
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